



Ginger
Attorney General
STATE CAPITOL
Phoenix, Arizona 85007

Robert E. Corbin

September 11, 1981

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

INTERAGENCY

The Honorable Jim Skelly
Arizona State Representative
State Capitol, House Wing
Phoenix, Arizona 85007

Re: I81- 102 (R81-113)

Dear Representative Skelly:

We are writing in response to your letter of July 29, 1981, in which you asked whether the State Board of Education or the Arizona Department of Education may establish a grace period during which a teacher may teach before passing the Arizona Teachers Proficiency Examination and, if so, under what circumstances.

The Arizona Teachers Proficiency Examination was adopted by the State Board of Education by A.C.R.R. R7-2-604 to comply with the requirements of A.R.S. § 15-533. A.R.S. § 15-533 reads as follows:

To qualify for either a basic or standard teaching certificate, or equivalent certificate later adopted by the state board of education, an applicant, in addition to other requirements, shall pass a reading, grammar and mathematics proficiency examination as administered by the state board of education. An applicant shall not be required to pass the proficiency examination more than once.

No statute provides an exemption or an interim or provisional certificate that would authorize an applicant to receive a basic or standard teaching certificate without passing the proficiency examination. A provision in the State Board of

The Honorable Jim Skelly
September 11, 1981
Page 2

Education's rules and regulations (A.C.R.R. R7-2-601.I), allowing the Director of Certification of the Arizona Department of Education to allow a twelve-month grace period in order for an applicant to make up deficiencies, implements A.R.S. § 15-532 and applies only to requirements prescribed by A.R.S. § 15-532 or other State Board rules. Rule R7-2-601.I is not applicable to the requirements imposed by A.R.S. § 15-533 because the two are in conflict. See Ferguson v. Arizona Department of Economic Security, 122 Ariz. 290, 594 P.2d 544 (App. 1979). Therefore, one cannot obtain a basic or standard teaching certificate without first passing the Arizona Teachers Proficiency Examination.^{1/}

Sincerely,



BOB CORBIN
Attorney General

BC/lm

1. We note that, pursuant to A.R.S. § 15-203.A.21., the State Board is authorized to provide for the issuance of several categories of temporary teaching certificates. A.C.R.R. R7-2-603. These certificates permit one to be employed in the place of a teacher holding a basic or standard teaching certificate only under limited circumstances and for limited periods of time. Because A.R.S. § 15-533 requires passage of the proficiency examination for only the basic and standard teaching certificates, a teacher need not pass the examination in order to receive a certificate under the limited conditions stated in A.C.R.R. R7-2-603.